

Response filed January 12, 2011

Reply to OA dated October 15, 2010

REMARKS

Claims 1-18 are currently pending in the subject application. The Applicant respectfully submits that no new matter has been added. It is believed that this paper is fully responsive to the Office Action dated October 15, 2010.

1. The Examiner has objected to the title.

The Examiner has suggested that the title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The Examiner has suggested the following title: Image file access apparatus with moving image and index information.

Applicant has amended the title herein in a manner intended to overcome this objection.

Accordingly, in view of the above, Applicant respectfully submits that this objection to the title should be withdrawn.

2. The Examiner has objected to the abstract of the disclosure.

In response, Applicant has amended the abstract herein in a manner intended to overcome this objection.

U.S. Patent Application Serial No.: **10/588,858**

Response filed January 12, 2011

Reply to OA dated October 15, 2010

Accordingly, in view of the above, Applicant respectfully submits that this objection to the abstract should be withdrawn.

3. The Examiner has rejected claims 1-18 under 35 U.S.C. 102(b) as being anticipated U.S. Patent Application Publication No. 2002/0197067 (**Ohnishi**).

Applicant respectfully traverses this rejection, for the following reasons.

There are substantial, important differences between the art relied upon by the Examiner and the combinations of features as set forth in the claims.

The U.S. Patent and Trademark Office has the burden of proof to show that an applicant is not entitled to a patent if the claimed subject matter is anticipated by, or is obvious from, the art of record. A patent applicant is entitled to a patent unless the U.S. Patent and Trademark Office establishes otherwise.

The Examiner suggested that **Ohnishi**'s reference numeral 400 in Fig. 5 corresponds to the "index information" as set forth in claim 1 of the subject application (Office Action dated October 15, 2010, page 3, line 6). Reference numeral 400 in Fig. 5 includes a depiction of still picture data.

Response filed January 12, 2011

Reply to OA dated October 15, 2010

When discussing tasks executed in parallel, the Examiner emphasized that **Ohnishi's still picture data** in Fig. 5 corresponds to the "index information" as set forth in claim 1 of the subject application (Office Action dated October 15, 2010, page 3, lines 8-9).

In view of the above, the Examiner is asserting that **Ohnishi's "still picture data"** corresponds to the "index information" as set forth in claim 1 of the subject application.

Applicant respectfully submits that the Examiner is misapplying the teachings of **Ohnishi**.

Applicant cannot agree with the Examiner's assertion that the image data is identical to the index information. If both are the same, the features of the subject application, that the second instruction issue task issues a second readout instruction for reading out the image data with reference to the index information read out in accordance with the first readout instruction, becomes ineffective. Therefore, Applicant submits that the Examiner's understanding is not correct.

Ohnishi fails to expressly or inherently describe the combination of features as set forth in claim 1 including at least the following features: "A file access apparatus for making access to an image file in which image data on a plurality of screens forming a moving image and index information used for managing said image data on the plurality of screens are contained, under control of a CPU executing a plurality of tasks in parallel based on a multi-task OS, wherein said

U.S. Patent Application Serial No.: **10/588,858**

Response filed January 12, 2011

Reply to OA dated October 15, 2010

plurality of tasks include: a first instruction issue task of issuing a first readout instruction for reading out said index information from said image file; a second instruction issue task of issuing a second readout instruction for reading out the image data from said image file with reference to the index information read out in accordance with said first readout instruction.”

Accordingly, in view of the above, Applicant respectfully submits that the rejection of claim 1 should be withdrawn. Additionally, it is submitted that the rejection of claims 2-18 should be withdrawn by virtue of their dependency.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No.: **10/588,858**

Response filed January 12, 2011

Reply to OA dated October 15, 2010

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Darren Crew
Attorney for Applicant
Reg. No. 37,806

DC/kn

Atty. Docket No. **060535**
4th Floor
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930



23850
PATENT & TRADEMARK OFFICE